

In re Patent Application of:
COSTIN ET AL.
Serial No. 10/091,610
Filing Date: March 5, 2002

REMARKS

Applicants would like to thank the Examiner for the thorough examination of the present application. The independent claims have been amended to more clearly define the present invention over the cited prior art references. In addition, the dependent claims have been amended for consistency. The claim amendments and arguments supporting patentability of the claims are provided below.

I. The Amended Claims

The present invention, as recited in amended independent Claim 21, for example, is directed to an interchangeable fitment system comprising a shipping container having an opening therein, a first fitment apparatus and a second fitment apparatus each having equal outer perimeters, and a loading/unloading interface detachably secured to the opening in the shipping container. The loading/unloading interface has a notch with dimensions corresponding to the outer perimeters for interchangeably receiving the first and second fitment apparatuses.

The first fitment apparatus comprises a flange, a first projection assembly coupled to the flange and a plurality of spring-loaded snaps spaced around the first projection assembly for detachably securing to the loading/unloading interface. The first projection assembly has an opening for interfacing with a first size fluid flow device. Similarly, the second fitment apparatus comprises a flange, a second projection assembly

In re Patent Application of:
COSTIN ET AL.
Serial No. 10/091,610
Filing Date: March 5, 2002

/

coupled to the flange and a plurality of spring-loaded snaps spaced around the second projection assembly for detachably securing to the loading/unloading interface. The second projection assembly has an opening for interfacing with a second size fluid flow device.

The first and second fitment apparatuses have different size openings in the first and second projection assemblies for respectively interfacing with different size fluid flow devices for loading/unloading the shipping container. The first and second fitment apparatuses are interchangeably receivable in the loading/unloading interface via the plurality of spring-loaded snaps based on selection of the first or second size fluid flow device.

In particular, independent Claim 21 has been amended to recite that each fitment apparatus comprises a flange, a projection assembly coupled to the flange and a plurality of spring-loaded snaps spaced around the projection assembly for detachably securing to the loading/unloading interface. This feature of the claimed invention advantageously allows either the first or second fitment apparatus to be detachably secured to the load/unload interface depending on the size of the fluid flow device to be used for loading/unloading the shipping container. In addition, should any of the spring-loaded snaps spaced around the projection assembly fail or become damaged for either the first or second fitments, then that particular fitment can be replaced with another fitment. Support in the specification may be found on pages 8 and 10, for example.

In re Patent Application of:
COSTIN ET AL.
Serial No. 10/091,610
Filing Date: March 5, 2002

Independent Claim 22 has been amended similar to amended independent Claim 21, and is directed to a method for providing an interchangeable fitment system for a shipping container.

II. The Claims Are Patentable

The Examiner rejected independent Claims 21 and 22 over the Nichols patent. The Nichols patent is directed to a liquid transport drum with a removable liner.

Referring to FIG. 4 in Nichols, the Examiner has taken the position that Nichols discloses a container 10 with a detachable interface 26 having a notch 28, and first and second fitment apparatuses. The first fitment apparatus is element 52 has a first opening 55 in a projection 54. The second fitment apparatus is the combination of element 52, 62 with a second opening 64 in a projection extending upward from element 62. The outer perimeter 54 of the first and second fitment apparatuses is the same and engage the notch 28, but the outer perimeters of the projections are not equal. The flange is element 58. The first fitment apparatus has the same outer perimeter as the second fitment apparatus, and the first and second fitment apparatuses are interchangeably receivable and would be capable of connection to different size hoses and pipes.

Independent Claim 21 has been amended to recite that each fitment apparatus comprises a plurality of spring-loaded snaps spaced around the projection assembly for detachably securing to the loading/unloading interface. The respective projections 54, 62 in Nichols fail to disclose a plurality of

In re Patent Application of:
COSTIN ET AL.
Serial No. 10/091,610
Filing Date: March 5, 2002

spring-loaded snaps for securing to the load/unload interface. Instead, one of the projections 52 (defining the outer bung 32 or 52) is heat sealed or welded to the liner 26 and the other part of the projection 62 (defining the inner bung 46 or 62) has threads for screwing into the projection 52.

Moreover, only one of the openings 55 or 64 actually connects to a fluid flow device. Reference is directed to column 4, lines 42-46 of Nichols, which provides:

"After delivery of the container 10 to an industrial consumer, the materials contained therein may be extracted by removing the inner bung 46 (or 62) and engaging a suction pump (not shown) with the outer bung 32 (or 52)." (Emphasis added)."

The inner bung is not for connecting to a different size suction pump. Instead, the opening in the inner bung is for venting the container 10. Accordingly, it is submitted that amended independent Claim 21 is patentable over the Nichols patent. Amended independent Claim 22 is similar to amended independent Claim 21. Therefore, it is submitted that this claim is also patentable over the Nichols patent.

In view of the patentability of amended independent Claims 21 and 22, it is submitted that the dependent claims, which include yet further distinguishing features of the invention are also patentable. These dependent claims need no further discussion herein.

In re Patent Application of:
COSTIN ET AL.
Serial No. 10/091,610
Filing Date: March 5, 2002

III. CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,


MICHAEL W. TAYLOR
Reg. No. 43,182
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
407-841-2330